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CLERK US DISTRICT COURT DISTRICT OF NEVADA	
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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

DAVID HOWARD BABIT,

Defendant.

2:20-CR-276-GMN-EJY

Preliminary Order of Forfeiture

This Court finds David Howard Babit pled guilty to Counts One and Two of a Two-Count Criminal Information charging him with coercion and enticement in violation of 18 U.S.C. § 2422(b). Criminal Information, ECF No. 54; Change of Plea, ECF No. 57; Plea Agreement, ECF No. 56.

This Court finds David Howard Babit agreed to the forfeiture of the property set forth in the Plea Agreement and the Forfeiture Allegation of the Criminal Information. Criminal Information, ECF No. 54; Change of Plea, ECF No. 57; Plea Agreement, ECF No. 56.

This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2), the United States of America has shown the requisite nexus between property set forth in the Plea Agreement and the Forfeiture Allegation of the Criminal Information and the offenses to which David Howard Babit pled guilty.

The following property is (1) any property, real or personal, that was used or intended to be used to commit or to facilitate the commission of 18 U.S.C. § 2422(b) and (2) any property, real or personal, used or intended to be used to commit or to facilitate the commission of 18 U.S.C. § 2422(b), and is subject to forfeiture pursuant to 18 U.S.C. § 2428(a)(1) and 18 U.S.C. § 2428(b)(1)(A) with 28 U.S.C. § 2461(c):

- 1 1. Lenovo Desktop Computer, SN: ES11584791;
- 2 2. HP Desktop Computer, SN: CNH7310662;
- 3 3. Samsung S7 Edge Cell Phone, IMEI: 357751075148178;
- 4 4. Samsung GTP511TS Tablet, SN: R32C7038AYL;
- 5 5. Western Digital External Hard Drive, SN: WCC4N2RV7FFI; and
- 6 6. HP 15-G23IDS Laptop Computer, SN: CND51000FT

7 (all of which constitutes property).

8 This Court finds that on the government's motion, the Court may at any time enter
9 an order of forfeiture or amend an existing order of forfeiture to include subsequently
10 located property or substitute property pursuant to Fed. R. Crim. P. 32.2(e) and
11 32.2(b)(2)(C).

12 This Court finds the United States of America is now entitled to, and should, reduce
13 the aforementioned property to the possession of the United States of America.

14 NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND
15 DECREED that the United States of America should seize the aforementioned property.

16 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all possessory
17 rights, ownership rights, and all rights, titles, and interests of David Howard Babit in the
18 aforementioned property are forfeited and are vested in the United States of America and
19 shall be safely held by the United States of America until further order of the Court.

20 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States
21 of America shall publish for at least thirty (30) consecutive days on the official internet
22 government forfeiture website, www.forfeiture.gov, notice of this Order, which shall
23 describe the forfeited property, state the time under the applicable statute when a petition
24 contesting the forfeiture must be filed, and state the name and contact information for the
25 government attorney to be served with the petition, pursuant to Fed. R. Crim. P. 32.2(b)(6)
26 and 21 U.S.C. § 853(n)(2).

27 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any individual
28 or entity who claims an interest in the aforementioned property must file a petition for a

1 hearing to adjudicate the validity of the petitioner's alleged interest in the property, which
2 petition shall be signed by the petitioner under penalty of perjury pursuant to 21 U.S.C. §
3 853(n)(3) and 28 U.S.C. § 1746, and shall set forth the nature and extent of the petitioner's
4 right, title, or interest in the forfeited property and any additional facts supporting the
5 petitioner's petition and the relief sought.

6 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any,
7 must be filed with the Clerk of the Court, 333 Las Vegas Boulevard South, Las Vegas,
8 Nevada 89101, no later than thirty (30) days after the notice is sent or, if direct notice was
9 not sent, no later than sixty (60) days after the first day of the publication on the official
10 internet government forfeiture site, www.forfeiture.gov.

11 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the
12 petition, if any, shall be served upon the Asset Forfeiture Attorney of the United States
13 Attorney's Office at the following address at the time of filing:

14 Daniel D. Hollingsworth
15 Assistant United States Attorney
16 James A. Blum
17 Assistant United States Attorney
18 501 Las Vegas Boulevard South, Suite 1100
19 Las Vegas, Nevada 89101.

20 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice
21 described herein need not be published in the event a Declaration of Forfeiture is issued by
22 the appropriate agency following publication of notice of seizure and intent to
23 administratively forfeit the above-described property.

24 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk send
25 copies of this Order to all counsel of record.

26 DATED Nov 4, 2020.

27 
28 GLORIA M. NAVARRO
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

A copy of the foregoing was served upon counsel of record via Electronic Filing on
October 14, 2020.

/s/ Misty L. Dante
MISTY L. DANTE
FSA Contractor Law Clerk